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**JEFFREY C. MCKAY**  
LEE DISTRICT SUPERVISOR

## **Joint Board Matter**

**Chairman Bulova  
Supervisor Hyland  
Supervisor McKay**

**November 1, 2011**

Fairfax County was recently informed by the Federal Highway Administration (FHWA) that a second bid protest has been filed with the Government Accountability Office (GAO) by the same company that filed an earlier unsuccessful protest on the Mulligan Road Phase II Project. This news is devastating for South County, BRAC, Fort Belvoir, and the thousands of County residents who have been suffering in endless gridlock since Woodlawn Road was closed in 2001. It's almost impossible to believe we could experience any more delay on this project. Already, the site looks abandoned and forgotten.

The FHWA had re-awarded the construction contract to the originally selected contractor on September 16, 2011 and even issued a Notice to Proceed (NTP) for construction on October 11, 2011.

Because of the protest, the FHWA now has 30 days to prepare a report, and the GAO has 100 days to issue a decision based on this report. The full 100 days would take the resolution of the protest into January 2012 and this is not acceptable. The FHWA is hopeful that its earlier re-evaluation will be considered as a positive factor in the GAO review and facilitate an expedited resolution of the issue. The FHWA also plans a GAO appeal requesting an expedited decision based on the importance and significance of Mulligan Road for the region and the urgency for immediate construction.

Since the NTP was already issued, the FHWA has sent a suspend work order to Shirley Contracting. The first bid protest has already seriously delayed construction of Mulligan road and the GAO's 100 day review will delay the start of construction even further. In spite of this delay, utility relocations by independent contractors are ongoing and will continue despite the protest.

The Mulligan Road Connector and the widening of Telegraph Road from Beulah to Leaf are critical connections for the region, especially the South County area. Now that the BRAC relocations are underway, it is critically important that this road construction project be expedited.

Madam Chairman, I move that the Board direct staff to prepare a letter to the FHWA urging it to use every opportunity to minimize further construction delays on this project and that we call on our congressional delegation to ensure that the FHWA can get construction moving as soon as possible. We need all hands on deck to expedite this project. We have now lost a full year of construction time and Route One is in total daily gridlock.